1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Sullivan (Attn: T. N. Goble)
1 - Mr. Conrad
1 - Mr. Jevons
1 - Mr. Frazier
1 - Mr. Gallagher

The Attorney General

May 26, 1970

62-109060-

HAROLD WEISBERG: REQUEST FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Reference is made to your memorandum dated May 19, 1970, regarding Mr. Weisberg's request for certain information relating to the assassination of former President Kennedy.

Your attention is directed to my letter to the Attorney General dated November 20, 1967, entitled "The Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas," which set forth information concerning Harold Weisberg from the files of this Bureau. This letter included the fact that Weisberg was one of ten employees fired [illegible] in the State Department in 1947 because of suspicion of being a communist or having communist sympathies. Later Weisberg was allowed to resign [illegible] evidence prejudice.

Weisberg has written several books concerning the assassination of President Kennedy which attack the Warren Commission Report. The book "Whitewash-The Report of the Warren Report" is a vitriolic and diabolical criticism of the Warren Commission, the FBI, the Secret Service, several other U. S. Government agencies, and the Dallas, Texas, Police Department. It contains inaccuracies, falsehoods, and deliberate distortion of facts to fit Weisberg's purpose.

The following comments are in the order they were requested in Weisberg's letters, copies of which were forwarded with your memorandum:

(1) Spectrographic Analyses - Weisberg has requested details of the spectrographic analyses conducted on certain bullet evidence involved in the assassination. (see note page 6)

RHJ:mjk (11)

59 JUN 19 1970

ORIGINAL FILED IN 100-351938-17

The Honorable Attorney General

Reference is made to the matter entitled "John Nichols Versus United States of America, et al., U.S.D.C., D. Md., Civil No. [illegible]" and to my memorandum to Mr. William D. Ruckelshaus dated February 17, 1969, this material related to the release of spectrographic data concerning certain burial evidence involved in the assassination of former President Kennedy. It is understood that litigation is still pending as to whether or not information regarding spectrographic analyses will be released.

As mentioned in my memorandum of February 17, 1969, it is our considered opinion that the results of the spectrographic tests are adequately set forth in the report of the Warren Commission where (Volume 5, Pages 67, 68, 73 and 74) it is specifically set forth that the metal fragments were analyzed spectrographically and were found to be similar in composition. The work notes and raw analytical data on which such results are based are not normally made public particularly since they can only be interpreted properly by scientifically trained personnel.

The work notes and raw analytical data are part of the investigative files of this Bureau and rightfully fall within exemption number 7 of subsection (b) of 5 U.S.C. 552 which specifically exempts investigatory files compiled for law enforcement purposes.

Release to any and all who request them of the raw analytical data in the thousands of spectrographic tests conducted in the numerous cases received by this Bureau would place an unnecessary and heavy burden on this Bureau and thus greatly hamper its efficient operation, and compliance with the current request would set a potentially highly undesirable precedent in this regard.

The Deputy Attorney General

Based on these observations, it is our firm opinion that the provisions of 5 U.S.C. 552, subsection (b), exemption 7 should be invoked and the request of Mr. Weisberg for the spectrographic analyses be denied.

(2) Documentation Relating to David William Ferrie: Mr. Weisberg described the records he requests as documents relating to the late David William Ferrie of New Orleans:

(a) withheld from the Warren Commission and/or

Comment: No documents relating to David William Ferrie were withheld by the FBI from the Warren Commission.

(b) withheld from the National Archives

Comment: So far as is known, all records of the Warren Commission pertaining to David William Ferrie were turned over to the National Archives by the Warren Commission, together with all other records of the Warren Commission.

(c) withheld by the National Archives by order of the Department of Justice

Comment: Your attention is directed to my letter to the Attorney General dated May 15, 1968, entitled "Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas," and to my letter to the Acting Attorney General dated February 24, 1967, entitled "Public Disclosure of

Warren Commission Records." Both of these letters concerned 68 pages of Warren Commission Document No. 75 which dealt with allegations and investigation regarding Ferrie. Copies of the 68 pages in question were enclosed with the letter of February 24, 1967. These are pages 212-221, 225-228, 231-304, 307-311, 313-316, 318-323, and 341-343, all inclusive. In the letter dated May 15, 1968, I stated that the final decision as to the public disclosure of the material concerning Ferrie rests with the Department of Justice. I also advised that this Bureau has no objection to the public disclosure of the data concerning Ferrie.

These pages were originally excluded from public disclosure under guidelines approved by Mr. McGeorge Bundy, Special Assistant to the President. The specific guideline applicable is identified as 3(C), which provided that public disclosure should be made unless disclosure "would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the investigation of the President." Our position as to this information concerning Ferrie has not changed since the May 15, 1968, letter.

(3) Exhibit 60 (Picture of President Kennedy's shirt and tie) - Please provide a photographic copy of a portion of Exhibit 60 showing the tabs of the President's shirt. The Archives has furnished a copy of this Exhibit.

The Deputy Attorney General

however, he has advised the quality of this copy is not satisfactory for his purpose and has requested a print from the original negative which is a part of this Bureau's files.

Compliance with the request would set an undesirable precedent and could lead to numerous such requests for copies of photographic matter furnished the Commission. The Bureau can ill afford to divert away from our important investigative responsibilities the time needed to search our voluminous files and prepare such material. However, since the photograph referred to as Exhibit 60 is available to the public through Archives it is felt the matter of furnishing additional copies is for the Department to decide and an additional photographic print of the portion showing the "white tube" is attached in the event the Department wishes to set this precedent.

(4) Concerning Receipt of Material Obtained at Autopsy

Weisberg requested a photograph and all records relating to the material removed by Commander James Humes, M.C., U.S.N., at the time of the autopsy and receipted for by Special Agents Francis X. O'Neill and James W. Sibert November 22, 1963. This request appears to be based on the inability to specifically identify the Exhibit in the Commission report.

The material referred to in the request is identified as Commission Exhibit 392. A photograph of this exhibit was furnished the Commission and was published in "Hearings Before the President's Commission on the Assassination of President Kennedy," Volume II, Page 371. Other